Remarks/Arguments:

Claims 1-38 are the pending claims in this application. All of the claims have been rejected in light of U.S. Patent No. 6,017,363 to Hojeibane. Claim 4 has been cancelled. Applicant respectfully submits that claims 1-3 and 5-38, as amended, recite limitations neither taught nor suggested by Hojeibane and for the reasons set forth below, respectfully submits that claims 1-3 and 5-38 should be allowed.

35 U.S.C. § 102(b)

Claims 1, 2, 18-21, 24, and 25-38 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Hojeibane. Applicant respectfully traverses the rejection.

Hojeibane is relied upon in the Office Action for its disclosure of an endoluminal device and a method for its deployment. Applicant's claimed invention, as recited by amended independent claims 1, 25, 29, and 31, includes features neither disclosed nor suggested by the art of record, namely (1) that each of the first member and the second member comprises a stent having a covering inside, outside, or inside and outside of the stent, and (2) that the first member and second member are interlocked with one another *in a sealing relationship*. A "seal" is defined as "a tight closure, as against the passage of air or water". *Webster's New World College Dictionary*, Third Edition, 1997. The applicant discloses one or more embodiments in which at least a portion of the stent is covered and in which fluid flow causes the members to have a sealed relationship with one another. *See, e.g.,* specification, page 8, lines 24-31.

The Hojeibane reference neither expressly nor under principles of inherency discloses a sealing relationship between the first and second members. Because Hojeibane discloses only a stent fabricated from "a hollow or formed stainless steel tube that may be cut out using lasers, electric discharge milling (EDM), chemical etching or other means" (column 5, line 67 - column 6, line 3), which is inherently porous, and Hojeibane fails to disclose a graft or covering, as conceded by the Office Action, the two interlocked stent components disclosed by Hojeibane do not inherently have a sealing relationship with one another, nor is such a sealing relationship explicitly disclosed. Accordingly, Applicant respectfully submits that the Hojeibane reference does not anticipate claims 1, 2, 18-21, or 24-38.

35 U.S.C. § 103(a)

Claims 3-17, 22 and 23 are rejected under 35 U.S.C. § 103(a) as being obvious in view of Hojeibane. Each of these claims is patentable at least as being dependent upon an allowable base claim, but also recites additional features that render the claim non-obvious over the cited references. Selected exemplary features are discussed below.

The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." *Ex parte Clapp*, 277 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985). The Office Action does not explain why the claimed invention would have been obvious in light of the references.

Applicant's invention, as recited by claim 3, includes a feature which is neither disclosed nor suggested by the art of record, namely a first member further comprising a seal ring in the first member. The seal ring may comprise any circumferential area of the device having greater sealing properties than the surrounding areas of the device. *See* specification, page 5, line 19 - page 6, line 8.

Hojeibane does not disclose a seal ring, nor does anything in the reference teach the suggestion of using a seal ring to facilitate a stronger seal at an interface between stent members or at an interface between the stent and the lumen wall. In fact, as pointed out above, Hojeibane only discloses an uncovered stent, not a stent with a graft covering, so there is no suggestion to modify the reference to provide any kind of seal, let along a portion having a particularly strong seal.

By virtue of being dependent upon claim 1, each of claims 3, 5-17, 22 and 23 also includes another feature which is neither disclosed nor suggested by the art of record, namely a stent covering inside, outside, or inside and outside of the stent. As noted above, Hojeibane does not teach or suggest a covering on the stent, as conceded by the Office Action. The Office Action states it would have been obvious to provide such a covering, but the suggestion or motivation to modify Hojeibane must come from the reference itself or from knowledge generally available to one of ordinary skill in the art to modify the reference.

The Office Action states that it would have been obvious to provide a cover to prevent material passage through the body or desired body portion of the stent. There is no suggestion, however, as to why this would be a desired result. Nothing in Hojeibane indicates a need to prevent material passing through the body of the stent. Covered stents are frequently used to treat an aneurysm by removing pressure on a weakened part of a lumen. *See* specification, page 7, lines 12-13. Although the applicant's claimed covered stent is not limited only for the treatment of aneurysms, stents designed for treatment of aneurysms inherently have a covering at least over a portion of the stent. Hojeibane discloses use of a stent as a "structure left inside a lumen to relieve an obstruction" and to prevent restenosis of a stenotic lesion, but nowhere mentions treatment of aneurysms. Column 1, lines 22-23, 32-33. Accordingly, there is no suggestion to cover the stent disclosed by Hojeibane, nor any suggestion why Hojeibane would desire to prevent material passing through the body of the stent. The covering claimed by the applicant may have multiple purposes: to help create the sealing relationship between members, to enhance the ability for fluid pressure to force the two members into a sealing relationship, and to generally prevent blood from flowing freely through the stent members and contacting the lumen wall adjacent the covered portions, which is necessary in applications where the claimed stent is used for treatment of aneurysms. None of these purposes are disclosed by Hojeibane. Accordingly, there is no motivation to modify the Hojeibane design to include a covering on the stent.

Summary

In view of the amendments and arguments set forth above, Applicant respectfully submits that claims 1-3 and 5-38 are in condition for allowance. Early and favorable notification to this effect is respectfully requested. The Examiner is requested to call Applicant's undersigned attorney to resolve any remaining issues that may stand in the way of allowance.

Respectfully submitted,

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Barbara Durham

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